IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.Rev.Pet.No. 932 of 2000()

CRA.133/1993 of I ADDL. SESSIONS COURT, KOLLAM
CC.263/1990 of JUDL.MAGISTRATE OF FIRST CLASS-I, PUNALUR
.....

REVN. PETITIONER: APPELLANT NO.1/ ACCUSED NO.1

SAHADEVAN LALKUMAR,
MANGALATHU PUTHEN VEEDU,
CHORANADU, VADASMON MURI,
ANCHAL VILLAGE, PATHANAPURAM TALUK

BY ADV. M/S MNS ASSOCIATES

RESPONDENTS: RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY
PUBLIC PROSECUTOR , HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.DILIP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.932/2000

ORDER ON CRL.MP. 5005/2000 IN CRL.RP. 932/2000

DISMISSED

27.06.2007 **SD/- K.R.UDAYABHANU. JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

Crl. R.P.No.932 of 2000

Dated 27th June, 2007

ORDER

The revision petitioner/A1 in C.C 263/90 stands convicted for the offences under sections 143, 147, 148, 149, 324 and 326 IPC and sentenced to undergo R.I for six months and to pay a fine of Rs.1000/- for the offence under section 326 IPC and in default, to undergo simple imprisonment of one month; and to pay a fine of Rs.100/- for each of the offences under sections 143, 147, 148 IPC and in default to undergo simple imprisonment for 15 days each. If the fine amount is realised in full, a sum of Rs.1000/- only is to be paid to PW1 as compensation under section 357 Cr.P.C.

2. The prosecution case is that on 30-10-89 at about 6.45. p.m., the accused on account of political animosity attacked PW-1 and inflicted injuries hitting with wooden sticks and the same resulted in fracture of the ulna of the left hand.

3. The evidence adduced in the matter consisted of the testimony of PWs 1 to 6 and Exts.P1 to P5 and M.O-1 lathy.

4. On a consideration of the evidence adduced in the matter, I find that the concurrent findings of the courts below are supported by proper reasons. The counsel for the revision petitioner has only pleaded for leniency pointing out that the incident has taken place in 1989 and that almost 18 years have elapsed since the commencement of the proceedings. So far, the accused has been facing the criminal proceedings. It is also submitted that the incident was occasioned on account of the political animosity and that the parties have settled the matter long back.

5. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5000/- for the offence under section 326 IPC and in default to undergo simple imprisonment for 3 months; and to pay a fine of Rs.5000/- for the offence under section 148 IPC and in default to undergo simple imprisonment for 2

months. No separate sentence is awarded for the rest of the offences. The fine if realised shall be paid to PW-1.

The revision petitioner shall appear before the JFCM-I, Punalur on 20-8-2007. to receive the sentence.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. 932 OF 2000

ORDER

27-6-2007.